



U.S. DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

CALIFORNIA DIVISION

650 Capitol Mall, Suite 4-100

Sacramento, CA. 95814

April 15, 2009

IN REPLY REFER TO

HDA-CA

Document #: S52609

Mr. Will Kempton, Director
California Department of Transportation
1120 N Street
Sacramento, CA 95814

Attention: Federal Resources Office, MS # 82
For Rachel Falsetti, Transportation Programming

Dear Mr. Kempton:

SUBJECT: FY 2009 FTIP Amendment No. 6 – San Joaquin Council of Governments (SJCOG)

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have completed the review of Amendment No. 6 to the current San Joaquin Council of Governments (SJCOG) Federal Transportation Improvement Program (FTIP) that was submitted by your letter dated April 2, 2009. SJCOG adopted Amendment No. 6 on March 26, 2009. This amendment to SJCOG's 2008/09 FTIP:

State, Local and Transit Elements

- Adds and modifies various projects from numerous state, local and Federal funding programs. Projects were programmed using American Recovery and Reinvestment (Recovery Act) of 2009 funds such as Recovery Act-FHWA, Recovery Act-Transportation Enhancement, and Recovery Act-FTA 5307 and 5311 exempt transit projects.
- In addition projects were programmed using Measure K (local funds), Proposition 1B – Transportation Bond Program, Congestion Mitigation and Air Quality (CMAQ) Regional Surface Transportation Program, FTA-5307, and the Public Transportation, Improvement and Service Enhancement Program.

Pursuant to the July 15, 2004, *Memorandum of Understanding between the Federal Highway Administration, California Division, and the Federal Transit Administration, Region IX*, we accept the modifications to the 2008/09 – 2011/12 Federal Statewide Transportation

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Improvement Program (FSTIP) for the SJCOG region in accordance with the Final Rule on Statewide and Metropolitan Transportation Planning published in the February 14, 2007 Federal Register. We find that the SJCOG's 2008/09 FTIP, through Amendment No. 6, was developed through a continuing, cooperative and comprehensive transportation planning process carried out with accordance with the metropolitan planning provisions of 23 U.S.C. 134, and 49 U.S.C. Chapter 53 as amended by Section 6001 of Public Law 109-59, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

Based on our review of the lists of projects proposed for Recovery Act funding, we recommend that SJCOG encourage the local agencies in the region to work closely with the Caltrans District Local Assistance Engineer (DLAE) to ensure the proposed Recovery Act projects listed in the FTIP/FSTIP are on located on a Federal-aid highway, specifically a highway or highways eligible for assistance under Chapter 1 of 23 U.S.C. other than highways classified as a local road or rural minor collector.

We have determined that this program modification is exempt from the regional emissions analysis requirements pursuant to the transportation conformity provisions found in 40 CFR Part 93 sections 126 and 127. This finding has been coordinated with Region 9 of the Environmental Protection Agency (EPA) in accordance with the procedures outlined in the *National Memorandum of Understanding between DOT and EPA on Transportation Conformity*, dated April 25, 2000. Therefore, we find that the FTIP continues to conform to the applicable State Implementation Plan (SIP).

This approval is provided with the understanding that the FTA funding approval on the individual projects contained in the FSTIP are subject to grantees meeting all necessary FTA administrative requirements, and that approval of this programming action does not provide a federal eligibility determination for CMAQ projects or any other project funding source included in this amendment.

If you have questions or need additional information concerning our approval for this SJCOG FSTIP amendment, please contact Scott Carson (scott.carson@dot.gov) of the FHWA California Division office at (916) 498-5029.

Sincerely,

/s/ Leslie T. Rogers

/s/ Aimee Kratovil

Leslie T. Rogers
Regional Administrator
Federal Transit Administration

For
Walter C. Waidelich Jr.
Division Administrator
Federal Highway Administration